

home is not in receipt of payment for nursing home care from the Secretary.

(2)(A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.

(4) In this subsection, the term “medical supervision model adult day health care” means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary.

(Added and amended Pub. L. 109-461, title II, § 211(a)(1), (2), (b)(1), Dec. 22, 2006, 120 Stat. 3418, 3419; Pub. L. 112-154, title I, § 105(a), Aug. 6, 2012, 126 Stat. 1170; Pub. L. 115-159, § 2(a), Mar. 27, 2018, 132 Stat. 1244; Pub. L. 115-182, title I, § 103(a), June 6, 2018, 132 Stat. 1408; Pub. L. 115-251, title II, § 211(a)(9), Sept. 29, 2018, 132 Stat. 3175.)

Editorial Notes

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(4)(B)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XVIII of the Act is classified generally to subchapter XVIII (§1395 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2018—Pub. L. 115-159, § 2(a)(2), inserted “, adult day health care,” after “home care” in section catchline.

Subsec. (a)(1). Pub. L. 115-182, § 103(a)(1), substituted “(or an agreement)” for “(or agreement under section 1720(c)(1) of this title)” in introductory provisions.

Subsec. (a)(4). Pub. L. 115-182, § 103(a)(2), added par. (4).

Subsec. (a)(4)(B)(ii)(III). Pub. L. 115-251 substituted “this subchapter” for “subchapter V of chapter 17 of this title”.

Subsec. (d). Pub. L. 115-159, § 2(a)(1), added subsec. (d). 2012—Subsec. (a)(1). Pub. L. 112-154, § 105(a)(1), substituted in introductory provisions “The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home” for “The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)”.

Subsec. (a)(2). Pub. L. 112-154, § 105(a)(2), added par. (2) and struck out former par. (2) which read as follows: “The rate determined under this paragraph with respect to a State home is the lesser of—

“(A) the applicable or prevailing rate payable in the geographic area in which the State home is located, as determined by the Secretary, for nursing home care furnished in a non-Department nursing home (as that term is defined in section 1720(e)(2) of this title); or

“(B) a rate not to exceed the daily cost of care, as determined by the Secretary, following a report to the Secretary by the director of the State home.”

2006—Subsec. (b). Pub. L. 109-461, § 211(a)(2), added subsec. (b).

Subsec. (c). Pub. L. 109-461, § 211(b)(1), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-182, title I, § 103(b), June 6, 2018, 132 Stat. 1409, provided that: “The amendment made by subsection (a) [amending this section] shall apply to care provided on or after the effective date of regulations issued by the Secretary of Veterans Affairs to carry out this section.” Final rule implementing section 103 of Pub. L. 115-182 effective Jan. 13, 2020, see 84 F.R. 67868.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-154 applicable to care provided on or after the date that is 180 days after Aug. 6, 2012, with certain exceptions, see section 105(c) of Pub. L. 112-154, set out as a note under 1720 of this title.

EFFECTIVE DATE

Section and amendment by section 211(a)(2) of Pub. L. 109-461 effective 90 days after Dec. 22, 2006, see section 211(a)(5) of Pub. L. 109-461, set out as an Effective Date of 2006 Amendment note under section 1710 of this title.

INITIAL RATE

Pub. L. 115-159, § 2(b), Mar. 27, 2018, 132 Stat. 1245, provided that: “Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title [meaning title 38, United States Code], as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care (as defined in subsection (d)(4) of such section) an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran.”

SUBCHAPTER VI—SICKLE CELL ANEMIA

§ 1751. Screening, counseling, and medical treatment

The Secretary is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter.

(Added Pub. L. 93-82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186, § 651; renumbered § 1751 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 651 of this title as this section and substituted “Secretary” for “Administrator”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1752. Research

The Secretary is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

(Added Pub. L. 93-82, title I, §109(a), Aug. 2, 1973, 87 Stat. 186, §652; renumbered §1752 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

Editorial Notes**AMENDMENTS**

1991—Pub. L. 102-83 renumbered section 652 of this title as this section and substituted “Secretary” for “Administrator”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1753. Voluntary participation; confidentiality

(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

(b) Patient records prepared or obtained under this subchapter shall be held confidential in the same manner and under the same conditions prescribed in section 7332 of this title.

(Added Pub. L. 93-82, title I, §109(a), Aug. 2, 1973, 87 Stat. 187, §653; amended Pub. L. 94-581, title I, §111(b), Oct. 21, 1976, 90 Stat. 2852; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1753, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes**AMENDMENTS**

1991—Pub. L. 102-83 renumbered section 653 of this title as this section.

Subsec. (b). Pub. L. 102-40 substituted “7332” for “4132”.

1976—Subsec. (b). Pub. L. 94-581 substituted “Patient records prepared or obtained under this subchapter shall be held confidential in the same manner and under the same conditions prescribed in section 4132 of this title” for “The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1976 AMENDMENT**

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1754. Reports

The Secretary shall include in the annual report to the Congress required by section 529 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Secretary deems necessary.

(Added Pub. L. 93-82, title I, §109(a), Aug. 2, 1973, 87 Stat. 187, §654; renumbered §1754 and amended Pub. L. 102-83, §§2(c)(3), 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404-406.)

Editorial Notes**AMENDMENTS**

1991—Pub. L. 102-83, §5(a), renumbered section 654 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §2(c)(3), substituted “section 529” for “section 214”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

[§§ 1761 to 1764. Repealed. Pub. L. 102-585, title V, § 514(a), Nov. 4, 1992, 106 Stat. 4958]

Section 1761, added Pub. L. 96-22, title I, §105(a), June 13, 1979, 93 Stat. 52, §661; amended Pub. L. 98-160, title I, §106(b), Nov. 21, 1983, 97 Stat. 998; renumbered §1761, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, related to purpose of this subchapter, which established a preventive health-care services pilot program.

Prior section 1761 was renumbered section 3561 of this title.

Section 1762, added Pub. L. 96-22, title I, §105(a), June 13, 1979, 93 Stat. 52, §662; renumbered §1762 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, §513(a), Nov. 4, 1992, 106 Stat. 4958, defined the term “preventive health-care services” for purposes of this subchapter. Section 1762 of this title was transferred to section 1701(9) of this title by Pub. L. 102-585.

Prior section 1762 was renumbered section 3562 of this title.

Section 1763, added Pub. L. 96-22, title I, §105(a), June 13, 1979, 93 Stat. 52, §663; amended Pub. L. 96-128, title V, §501(d), Nov. 28, 1979, 93 Stat. 987; Pub. L. 98-160, title I, §106(c), Nov. 21, 1983, 97 Stat. 998; Pub. L. 99-272, title XIX, §1901(d)(6), Apr. 7, 1986, 100 Stat. 379; renumbered §1763 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406, related to provision of preventive health-care services under this subchapter.

Prior section 1763 was renumbered section 3563 of this title.

Another prior section 1763, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, provided for control by agencies of the United States, prior to repeal by Pub. L. 89-358, §3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3682 of this title.

Section 1764, added Pub. L. 96-22, title I, §105(a), June 13, 1979, 93 Stat. 53, §664; amended Pub. L. 98-160, title I, §106(d), Nov. 21, 1983, 97 Stat. 999; renumbered §1764 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406, directed Secretary to include comprehensive reports on administration of this subchapter in annual reports to Congress for fiscal years 1984 through 1988.

Prior section 1764, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, provided for dismissal for conflict of inter-